IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

WP(C).No. 16365 of 2007(W)

PETITIONER:

K. IBRAHIM, AGED 58 YEARS,
S/O. KUNJEEDU, MANAGER, AHAMMED KURIKKAL MEMORIAL (AKM) HIGH SCHOOL, KOTTOOR, KOTTACKAL VILLAGE, TIRUR TALUK.

BY ADV. SRI.GEORGE ABRAHAM

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. SECRETARY & CHAIRMAN OF THE HIGH LEVEL COMMITTEE, GENERAL EDUCATION DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

3. DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM.

4. ADDITIONAL SECRETARY,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI. A.J. VARGHESE
SRI. C.P. SUDHAKARAPRASAD, A.G.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/06/2007 ALONG WITH W.P.(C) NO.16980/07, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. BASHEER, J.

W.P.(C). NOS. 16365 & 16980 OF 2007

Dated this the 4th day of June, 2007

J U D G M E N T

These writ petitions are at the instance of managers of two aided schools. Their apprehension is that the recognition granted to their respective institutions during 2003-04 to start High School section is likely to be withdrawn at any moment, even without considering their objections and without giving them an opportunity to be heard.

2. It is brought to my notice that petitioners have been directed to appear before the Additional Secretary in the General Education Department for a hearing on June 5, 2007 and to show cause "directly why recognition granted to the school cannot be withdrawn".

3. I do not propose to deal with the various contentions raised by the petitioners in the two writ petitions, nor I am persuaded to go into the observations and conclusions made by the High Level Committee appointed by the Government as regards the question whether the recognition granted by the earlier Government was proper or not. I

refrain from making any such observation since, learned Advocate General submits that an appropriate decision will be taken in the matter after considering the objections, if any, that may be submitted by the writ petitioners in response to the show cause notice.

4. It will be open to the petitioners to respond to the show cause notices received by them. This shall be done as expeditiously as possible, at any rate within 30 days from today. The Government shall take a decision in the matter after hearing the petitioners and considering the objections filed by them.

In the peculiar fact and circumstances, I am of the view that the hearing, which is slated to be held on June 5, 2007, has to be adjourned till July 4, 2007 before which date, the petitioners shall submit their objections as directed above. Learned counsel for the parties submit that either the petitioners or their authorised representatives will appear before the Secretary concerned for hearing on that day.

The above submissions are recorded and the writ petitions are closed.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007